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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,193	11/25/2003	Hui Hsiung Chao	PO3123-F003	9052

7590 12/03/2004
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EXAMINER

COCKS, JOSIAH C

ART UNIT	PAPER NUMBER
3749	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,193

Applicant(s)

CHAO, HUI HSIUNG

Examiner

Josiah Cocks

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings filed 11/25/2003 are accepted by the examiner.

Claim Objections

2. Claims 1 and 2 are objected to because of the following informalities:

Claim 1 recites "A sand" in line 5 but it appears this claim intended to recite --Sand--.

Claim 2 recites "rib" in line 3 but should recite --ribs--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 4, 6, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites that there is settled "an ear on the facet of said upper cap." It is unclear as to what constitutes an "ear" as this term does not have an understood meaning in the art and it appears applicant has not defined this term in the specification. Accordingly, as the scope of this claim cannot be determined an examination on the merits has not been performed for claim 3.

Art Unit: 3749

Claim 4 recites "a dust-proof mask." It is unclear as to what constitutes a "dust-proof mask" as this term does not have an understood meaning in the art and it appears applicant has not defined this term in the specification. Accordingly, as the scope of this claim cannot be determined an examination on the merits has not been performed for claim 4.

Claim 6 recites "the portion where it contacts said means" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. Applicant has not identified a portion of the sand that contacts the means. For the purpose of an examination on the merits this claim has been regarded as indicating any portion where the sand contact the means.

Claim 8 recites "there connects and settles a plurality of empty site above such heat gas channel." It is unclear as to what constitutes "a plurality of empty site" as this term does not have an understood meaning in the art and it appears applicant has not defined this term in the specification. Accordingly, as the scope of this claim cannot be determined an examination on the merits has not been performed for claim 8.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 5-7, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,491,744 to H. Von Kohorn et al. ("Kohorn") in view of U.S. Patent No.

Art Unit: 3749

4,667,651 to Groeneweg ("Groeneweg") and U.S. Patent No. 3,209,742 to Crowley et al. ("Crowley").

Kohorn discloses in Figures 1-12 an invention similar to that described in applicant's claims 1, 2, 5-7, 9, and 10. In particular, Kohorn discloses a means for using a heat source (Fig. 1) including a container (14) at the center of the means, a plurality of ribs (see Fig. 2 and ribs supporting grate 12), a casket manager (31) in a storage area below the casket manager (see Fig. 2). The container (14) includes a drawer-type container (30). The examiner considers that hot gas from the heat source passes through the channel located above grill (12). Kohorn also discloses an embodiment of his invention that makes use electric heating means (see Figs. 9 and 12).

Kohorn does not disclose the use of sand or a drain pore and sand-leaking vent.

Crowley teaches an outdoor grill in the same field of endeavor as Kohorn. In Crowley, a collection of sand (8) is included in a stand assembly for using as a grill support. This grill includes the use of drain pores and sand leaking vents in the form of recess (5) and drain openings (6) (see col. 1, line 66 through col. 2, line 7). Groeneweg also teaches an outdoor grill in the same field of endeavor of Kohorn. Groeneweg acknowledges that sand is understood in the grill art to be used as a heat insulating material surrounding a cooking assembly (see Groeneweg, col. 2, lines 36-46).

Therefore, in regard to claims 1, 2, 5-7, 9, and 10, it would have been obvious to a person of ordinary skill in the art to incorporate the sand and the drainage and vent means of Crowley into the area surrounding the cooking assembly of Kohorn as sand is recognized to provide a clean attractive appearance in a grill that is non-flammable, easily moved and replaced (see

Art Unit: 3749

Crowley, col. 2, lines 10-19) and is recognized to be a desirable insulating material used in grills (see Groeneweg, col. 2, lines 36-46).

Conclusion

7. This action is made non-final. A THREE month shortened statutory period for reply has been set. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) months from the mailing date of this communication.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents to Scheufler, Kwan Soon, Von Kohorn ('905), Baykal, Grove et al., and European Patent 0 692 213 are cited to further show the state of the art concerning outdoor grill structure.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Any questions on access to the Private PAIR system should be directed to the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).


Art Unit: 3749

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Josiah Cocks whose telephone number is (571) 272-4874. The examiner can normally be reached on weekdays from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus, can be reached at (571) 272-4877. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

jcc
November 24, 2004


JOSIAH COCKS
PRIMARY EXAMINER
ART UNIT 3749